



May 22, 2006

VIA FACSIMILE AND ELECTRONIC MAIL

Docket Clerk
Fruit and Vegetable Programs
Agricultural Marketing Service
U.S. Department of Agriculture
1400 Independence Ave, S.W.
Stop 0243
Washington, D.C. 20250

Re: Docket No. FV06-1290-1 PR
Specialty Crop Block Grant Program (FR 71:76, p. 20353)

Dear Ladies and Gentlemen:

Turfgrass Producers International (TPI) hereby submits its comments on the U.S. Department of Agriculture's (USDA) Proposed Rule published in the *Federal Register* on April 20, 2006 (71 *Federal Register* 20353).

Formed in 1967, Turfgrass Producers International is a not-for-profit association of turfgrass sod producers with over 1,100 members in 50 states and over 40 countries. TPI represents approximately 80 percent of all U.S. cultivated turfgrass sod farm acreage in production. TPI's mission is to represent and advance the turfgrass sod industry through the promotion of improved practices and the professional development of members and the enhancement of the environment.

TPI represents the interests of the turfgrass sod industry nationally on federal public policy issues. Properly defining turfgrass sod as an agricultural specialty crop covered by the USDA's Specialty Crop Block Grant Program provides turfgrass sod producers a much-needed avenue for federal grant funding. Thus, TPI and its constituency have an interest in, and would be potentially affected by, the above-referenced Proposed Rule. The following elements of the Proposed Rule are those on which TPI wishes to comment.

TPI Strongly Supports the USDA's Regulations to Administer the Specialty Crop Block Grant Program in the Proposed Rule

The Proposed Rule would establish regulations to administer the USDA's Specialty Crop Block Grant Program (SCBGP) to enhance the competitiveness of specialty crops. The SCBGP would be implemented under section 101 of the Specialty Crops Competitiveness Act of 2004, which directs the Secretary of Agriculture to make grants to states for each of the fiscal years 2005 through 2009 to be used by state departments of agriculture solely to enhance the competitiveness of specialty crops. As a threshold matter, TPI strongly supports the Proposed Rule and its establishment of regulations. TPI seeks to ensure that turfgrass sod is properly and explicitly defined as a specialty crop under the regulations authorized by the Proposed Rule.

Definition of "Specialty Crops" Under the Proposed Rule

Pursuant to the Proposed Rule, "specialty crops" is defined as "fruits and vegetables, tree nuts, dried fruits, and nursery crops (including floriculture)." FR 71:76, p. 20354 (proposed definition in 7 C.F.R. § 1290.2(f)). The regulations proposed by the Proposed Rule do not specifically define turfgrass sod or address whether it is covered under the SCBGP.

Turfgrass Sod is Considered Agriculture for Specialty Crop Purposes

Turfgrass sod is treated as agriculture under most federal and state laws and clearly is a specialty crop. To overcome any ambiguity regarding whether turfgrass sod is considered an agricultural commodity, TPI successfully has sought to explicitly include turfgrass sod within several laws affecting the industry. Examples include the Food, Agriculture, Conservation and Trade Act of 1990 (Title XII, Section 1219, Urban and Community Forestry Assistance), the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994 (Title I, Section 111, Noninsured Crop Disaster Assistance Program) and the Federal Agriculture Improvement and Reform Act of 1996 (Title I, Section 196(a)(2)(B)). Additionally, the North Carolina Department of Agriculture and Consumer Services' included turfgrass sod within its Specialty Crops Marketing Grant Program in 2003 to support marketing programs that would increase demand for turfgrass sod.

Notably, bi-partisan legislation currently proposed by Senator Larry Craig (R-Idaho), the Specialty Crops Competition Act of 2006 (S. 2487), explicitly defines turfgrass sod as a specialty crop. The bill, which has seven co-sponsors to date, aims to ensure an abundant and affordable supply of highly nutritious fruits, vegetables, and other specialty crops for American consumers and international markets by enhancing the competitiveness of U.S.-grown specialty crops. The bill proposes the following as a finding by Congress:

a competitive specialty crop industry in the United States is necessary for the production of an abundant, affordable supply of highly nutritious fruits, vegetables, and other specialty crops (including nursery crops, floriculture, and

low-growing dense perennial turfgrass sod), which are
harmful to the health and well-being of all Americans.

S. 2487, Title I, Section 2(a)(2), Findings and Purpose (emphasis added). As the foregoing definitional language in the Specialty Crops Competition Act of 2006 suggests and legislative history supports, it is well-established that turfgrass sod is considered agriculture for specialty crop purposes.

While turfgrass sod generally is considered a specialty crop, at times in the past USDA has not known how to treat it when implementing legislation without explicit statutory definitional language or guidance. By default in such circumstances, USDA occasionally has relied on traditional agricultural definitions of "food and fiber," within which turfgrass sod and nursery crops do not neatly fit, to exclude turfgrass sod from coverage. An example would be eligibility for disaster assistance. Hopefully, efforts in recent years to clarify the definition of turfgrass sod as an agricultural commodity has put these issues to rest.

Proposed Clarification of the Definition of "Specialty Crops" Under the Proposed Rule

Although turfgrass sod falls under the specialty crop category, to prevent ambiguity TPI seeks to ensure that turfgrass sod will be "specifically" defined as a specialty crop in all relevant federal legislation. Explicitly defining turfgrass sod as agriculture in the regulations to be implemented by the Proposed Rule is imperative for the industry in its efforts to obtain block grant funding. Accordingly, TPI submits that "specialty crops" should be defined in the Proposed Rule regulations at 7 C.F.R. § 1290.2(f) as "fruits and vegetables, tree nuts, dried fruits, and nursery crops (including floriculture and low-growing dense perennial turfgrass sod)." (Emphasis added). This revision does not expand the scope of the regulations; it merely clarifies that turfgrass sod is considered agriculture for specialty crop purposes and eliminates any ambiguity as to the scope of the proposed definition as the block grant program is being administered.

Summary

TPI supports the Proposed Rule subject to its comments seeking definitional clarification on behalf of TPI and the turfgrass sod industry. TPI submits that the Proposed Rule's regulations should clearly establish that turfgrass sod is agricultural, and a specialty crop covered by the USDA's Specialty Crop Block Grant Program. Turfgrass Producers International appreciates the opportunity to comment on this Proposed Rule.

Sincerely,



T. Kirk Hunter
Executive Director